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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SITEXPEDITE

Plaintiff,

v.

NeXXCom Wireless LLC,

Defendant.

Document Electronically Filed

Civil Action No.: _____

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441(a) and 1446, Defendant NeXXCom Wireless LLC (“NeXXCom” or “Defendant”), by its counsel, hereby gives notice of removal of the above-caption case from the Superior Court of New Jersey, Law Division, Union County to the United States District Court for the District of New Jersey. The grounds for removal are as follows:

1. The removed case is a civil action for breach of contract and fraud, pending in the Superior Court of New Jersey, Law Division Union County, bearing the docket number L-002135-12 and captioned SITEXPEDITE v. NeXXCom Wireless LLC (the “Action”).

2. Plaintiff SITEXPEDITE (“SiteXpedite” or “Plaintiff”) filed the Complaint in the Action on June 14, 2012 and served same upon Defendant on July 26, 2012.

3. As required by 28 U.S.C. § 1446(a), a copy of all process and pleadings served upon the Defendant in the Action is attached hereto as Exhibit “A.”

4. Defendant NeXXCom Wireless LLC is a California limited liability company with its principal place of business 10455 Pacific Center Court, San Diego, CA 92121. The Defendant’s sole member is a citizen of the State of California. No other defendant has been named in the Action.

5. Plaintiff SiteXpedite is a Delaware limited liability company¹ with its principal place of business at 2233 W. Hilltop Lane, Oak Creek, WI 53154. Upon information and belief, the Plaintiff’s sole member is a citizen of the State of Wisconsin and is not a citizen of the State of California.

6. Plaintiff’s Complaint in the Action seeks punitive damages, compensatory damages, attorneys’ fees and costs. See Exhibit “A.” Plaintiff pleads damages in the amount of THREE HUNDRED SEVENTY-TWO THOUSAND, FIVE HUNDRED EIGHTY-NINE DOLLARS AND NINETY-SEVEN CENTS (\$372,589.97). Id. at ¶ 13.

7. This Court has original jurisdiction over the Action pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between the parties and the amount in controversy, as reasonably appears from the Complaint, exceeds \$75,000.00, exclusive of interest and costs. Accordingly, the Action is one that may be

¹ SiteXpedite’s complaint states that it is a business corporation (see Exhibit “A” at ¶ 1), however, the contact page of its website (<http://www.sitexpedite.net/contact.php>) indicates that it is a limited liability company.

removed to this Court by Defendant pursuant to 28 U.S.C. §§ 1441(a) and (b), and 1446(a) and (b).

8. The District of New Jersey is the proper venue for removal pursuant to 28 U.S.C. § 1441(a) because the Action is pending in the Superior Court of New Jersey, Law Division, Union County which is located within the District of New Jersey.

9. In accordance with 28 U.S.C. § 1441(b), this Notice of Removal is timely filed within 30 days after service of the Complaint upon the Defendant and within one (1) year of the commencement of the Action.

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon all counsel of record and will be filed promptly with the Clerk of the Superior Court of New Jersey, Law Division, Union County.

11. Defendant files this Notice of Removal without waiving any objections, exceptions or defenses to Plaintiff's Complaint.

WHEREFORE, Defendant hereby provides notice of its removal of the above-captioned case, from the Superior Court of New Jersey, Law Division, Union County, to the United States District court for the District of New Jersey, and requests that this Court assume full jurisdiction over the Action and that further proceedings be conducted in this

Court as provided by law.

Cox Padmore Skolnik & Shakarchy LLP

By: s/ Stefan B. Kalina

Stefan B. Kalina

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Attorneys for Defendant

NeXXCom Wireless LLC

Dated: August 13, 2012

TO: Clerk of the Court
Superior Court of New Jersey
Union County Courthouse
2 Broad Street,
Elizabeth, NJ 07207

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